



Docket No.: 002240.P015D

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of:

Gary S. Chisholm, et al.

Examiner: Hernandez, O.

Application No.: 09/049,161

Art Unit: 3661

Filing Date: 3/26/1998

For: METHOD AND APPARATUS FOR
PRECISE POSITIONING OF
LARGE STRUCTURES

Commissioner for Patents
Washington, D.C. 20231

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23 Appeal
Brief (1)
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TRANSMITTAL COVER LETTER

Sir:

Enclosed for filing in the U.S. Patent and Trademark office, before the Board of Patent Appeals and Interferences are (1) Appellant's Brief Pursuant to 37 C.F.R. § 1.192(a), in triplicate; (2) Appendix to Appellant's Brief, in triplicate; (3) a check in the amount of \$320.00 to cover the fee for filing the Appellant's Brief.

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this transmittal is enclosed for deposit account charging purposes.

Respectfully submitted,
BLAKELY, SOLOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/6, 2002

Tarek N. Fahmi
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Attorney's Docket No.: 002240.P015D

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APPEAL BRIEF
IN SUPPORT OF APPELLANTS' APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

This Brief is submitted in triplicate in support of this appeal from a final decision of the Examiner, mailed March 7, 2000. Consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application is respectfully requested.

FIRST CLASS CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

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I. REAL PARTY IN INTEREST

The real party in interest is Trimble Navigation, Ltd., a corporation of California having a place of business at 645 North Mary Avenue, Sunnyvale, CA.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 11-20 are currently pending. Claims 11 - 20 have been finally rejected.

IV. STATUS OF AMENDMENTS

There are no currently pending amendments.

V. SUMMARY

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A. Summary of the Invention

The present invention concerns a system for precisely positioning a three dimensional structure at a desired location. The system utilizes a global positioning system (GPS) receiver to provide positioning information regarding the structure and provides a unique set of display information to a user, which includes a visual, graphical representation of both the present and desired positions, orientations and attitudes of the structure being positioned. Through the use of this display information, a user is able to move the structure into the desired position.

Many construction tasks involve locating large, three-dimensional structures (e.g., bridge sections and the like). Traditional methods of monitoring the placement of such structures involve the use of a variety of surveying techniques. These may include using visible lasers and/or optical theodolites. Such methods are not particularly convent, however, because they require trained personnel to visit the construction site each time a new section of the structure is being moved into position.

The present invention helps to alleviate this situation by introducing several novel features. To begin, a virtual model of the structure of interest is created and stored in a computer memory. Some time later, remote sensors are placed in selected positions on the actual structure of interest. The sensors are configured so as to provide real time location, attitude and orientation information regarding the structure and may consist of GPS remote units, tilt meters, gyro compasses, and pressure sensors. The position of each remote sensor on the actual structure is also recorded in the computer memory so that the virtual model of the structure accurately reflects the real world situation.

As the structure is being positioned, real time location, attitude and orientation information produced by the remote sensors is monitored at a base station and used to update the virtual model with respect to a predefined coordinate system. In this way, the virtual model accurately reflects the current location, attitude and orientation of the structure. The information so obtained can be displayed to a user as a graphical and textual representation of the current state of the structure. In addition, the desired location, attitude and orientation of the structure is displayed. Such a display is then used by an operator to adjust the current location, attitude and orientation of the structure so as to align the current position of the structure with the desired position. In this way, this structure can be precisely positioned.

Claim 11 is presented below with elements read on Figures of the drawings as required in MPEP 1206.

11. A precise positioning apparatus (200) comprising:
 - a system bus (206);
 - a GPS receiver (102) configured to communicate with the system bus (206) , the GPS receiver (102) generating position information regarding a position of a structure (100) associated with the GPS receiver;
 - a memory (208) configured to communicate with the system bus (206);

a display (212) configured to communicate with the system bus (206);

a microprocessor (202) configured to communicate with the system bus (206), the microprocessor (202) configured to receive (508) the position information from the GPS receiver (102) and configured to generate display information based on the position information, the display information comprising guidance and orientation information, the microprocessor (202) configured to transmit the display information to the display (212),

wherein the display information is displayed (512) on the display (212) such that a user is provided with a visual graphical representation of a present position (640), orientation (602) and attitude (604) of the structure and a desired position (642), orientation (642) and attitude (606) of the structure.

As stated in MPEP 1206, the claims are not to be limited to this embodiment by such reading.

B. Summary of Rejections

Claims 11 through 20 were rejected under 35 USC 102(e) as being anticipated by Anderson et al, US Patent No. 6,032,084 ("Anderson"). [Final Office Action, p. 2.]

C. Summary of the References

Anderson describes an animal feedlot management system wherein it appears that the displayed information includes the desired position and, perhaps, the desired orientation (e.g., North, South, etc.) of the feedlot vehicle.

VI. ISSUES

1. Whether claims 11 through 20 are patentable over Anderson?

VII. GROUPING OF CLAIMS

For the purposes of this appeal, claims 11 through 20 stand or fall together.

VIII. ARGUMENT

A. Claims 11 through 20 are Patentable over Anderson

Anderson et al., U.S. Patent 6,032,084 fails to teach or suggest elements of the claimed precise positioning apparatus and, therefore, the claims are patentable over this reference. For example, Anderson does not teach or suggest displaying information that includes a present and desired position, orientation and **attitude** of a structure. Anderson merely provides for utilizing GPS to calculate a feedlot vehicle position and orientation as explained at col. 3, ll. 41-46 and col. 12, l. 65 to col. 13, l. 7. However, nowhere in the description or the accompanying figures is there any indication of determining the present or desired attitude of the vehicle or displaying the present or desired attitude of the vehicle. At best, Anderson at col. 3, ll. 18-24, provides a "VR model of the feedlot which accurately reflects the position and orientation of the feedlot vehicles as it is navigated through the feedlot."

"Attitude" is unlike position or orientation. Position may be regarded as the location of the vehicle and orientation as the heading of the vehicle. However, "attitude" is a description of a vehicle's or a structure's alignment in three-dimensional (or other dimensional) space, with respect to a given plane or other reference. See, e.g., Webster's New World Dictionary. Nowhere does Anderson indicate the display of present attitude or desired attitude.

In contrast, the display of a structure's **present and desired attitude** is a recited element of the claimed apparatus. An example of such display information is shown in Figure 6 (though other display types are possible). Moreover, while Anderson might consider the present position and orientation of a feedlot vehicle, Anderson does not teach or suggest a desired position and orientation. Consequently, because the present

claims include elements neither taught nor suggested by Anderson, the claims are patentable over Anderson.

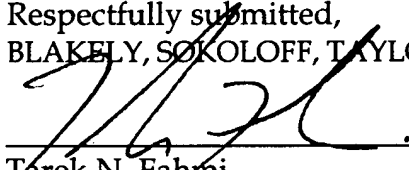
IX. CONCLUSION

For the foregoing reasons, Appellants respectfully request reversal of the Examiner's rejections as set forth in the Final Office Action and request that the Board direct allowance of all of the claims. If there are any additional charges, please charge Deposit Account No. 02-2666.

Date: Sep. 6, 2002

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Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Tarek N. Fahmi
Reg. No. 41,402

APPENDIX A
(37 C.F.R. § 1.192 (c)(9))

The claims on appeal read as follows:

11. A precise positioning apparatus comprising:
 - a system bus;
 - a GPS receiver configured to communicate with the system bus, the GPS receiver generating position information regarding a position of a structure associated with the GPS receiver;
 - a memory configured to communicate with the system bus;
 - a display configured to communicate with the system bus;
 - a microprocessor configured to communicate with the system bus, the microprocessor configured to receive the position information from the GPS receiver and configured to generate display information based on the position information, the display information comprising guidance and orientation information, the microprocessor configured to transmit the display information to the display,
 - wherein the display information is displayed on the display such that a user is provided with a visual graphical representation of a present position, orientation and attitude of the structure and a desired position, orientation and attitude of the structure.
12. A precise positioning apparatus as in claim 11 further comprising a communication system, the communication system coupled to the GPS receiver and to the system bus, the communication system providing a link for communicating information from the GPS receiver to the microprocessor.
13. A precise positioning system as in claim 12 wherein the communication system comprises a two-way radio communication system.

14. A communication system as in claim 12 wherein the communication system comprises an optical communication system.

15. A precise positioning system as in claim 12 further comprising an orientation sensor, the orientation sensor generating orientation information regarding the orientation of the structure, the orientation sensor coupled to the communication system, wherein the communication system further providing a link for communicating orientation information from the orientation sensor to the microprocessor.

16. A precise positioning system as in claim 15 wherein the orientation sensor comprises a gyro compass.

17. A precise positioning system as in claim 12 further comprising an attitude sensor, the attitude sensor generating pitch information regarding the structure, the attitude sensor coupled to the communication system, wherein the communication system further providing a link for communicating the pitch information from the orientation sensor to the microprocessor.

18. A precise positioning system as in claim 17 wherein the attitude sensor further generating roll information regarding the structure, and wherein the communication system further providing a link for communicating the roll information to the microprocessor.

19. A precise positioning system as in claim 18 wherein the attitude sensor comprises a tilt meter.

20. A precise positioning system as in claim 12 further comprising a pressure sensor, the pressure sensor generating depth information regarding the structure, the

pressure sensor coupled to the communication system, wherein the communication system further providing a link for communicating the depth information from the pressure sensor to the microprocessor.

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Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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COMPLETE TRANSMITTAL for FY 2002 <small>Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	09/049,161
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	March 26, 1998
		First Named Inventor	Gary Sedman Chisholm
TOTAL AMOUNT OF PAYMENT (\$)		Examiner Name	Olga Hernandez
		Group/Art Unit	3661
		Attorney Docket No.	2240P015D

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unavoidable</td><td></td></tr><tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr><tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="4">Other fee (specify)</td><td></td><td></td></tr><tr><td colspan="4">SUBTOTAL (3)</td><td></td><td>320.00</td></tr></tbody></table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920 *	112	920 *	Requesting publication of SIR prior to Examiner action		113	1,840 *	113	1,840 *	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal	320.00	121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,280	241	640	Petition to revive - unintentional		142	1,280	242	640	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify)						SUBTOTAL (3)					320.00
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147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																													
112	920 *	112	920 *	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																													
113	1,840 *	113	1,840 *	Requesting publication of SIR after Examiner action																																																																																																																																																																																													
115	110	215	55	Extension for reply within first month																																																																																																																																																																																													
116	400	216	200	Extension for reply within second month																																																																																																																																																																																													
117	920	217	460	Extension for reply within third month																																																																																																																																																																																													
118	1,440	218	720	Extension for reply within fourth month																																																																																																																																																																																													
128	1,960	228	980	Extension for reply within fifth month																																																																																																																																																																																													
119	320	219	160	Notice of Appeal																																																																																																																																																																																													
120	320	220	160	Filing a brief in support of an appeal	320.00																																																																																																																																																																																												
121	280	221	140	Request for oral hearing																																																																																																																																																																																													
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																													
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																													
141	1,280	241	640	Petition to revive - unintentional																																																																																																																																																																																													
142	1,280	242	640	Utility issue fee (or reissue)																																																																																																																																																																																													
143	460	243	230	Design issue fee																																																																																																																																																																																													
144	620	244	310	Plant issue fee																																																																																																																																																																																													
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																													
123	50	123	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																													
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																													
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																													
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																													
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																													
179	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																																																													
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																													
Other fee (specify)																																																																																																																																																																																																	
SUBTOTAL (3)					320.00																																																																																																																																																																																												

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Tarek N. Fahmi	Registration No. (Attorney/Agent)	41,402
Signature		Telephone	(408) 947-8200
		Date	09/06/02

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SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.